

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Valentin Zuniga,

Petitioner

v.

Jeremy Bean, et al.,

Respondents

Case No. 2:20-cv-00619-GMN-BNW

**Order**

Three motions are before the court – a motion for extension of time from each party and petitioner’s motion for leave to file an exhibit under seal.

The latter motion asks the court to file petitioner’s recent neuropsychological evaluation under seal. ECF No. 31. Respondents have not filed an opposition, and the court finds that compelling reasons exist to file this document under seal. *See Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006). Petitioner’s motion for extension of time was a request for an extension of 45 days within which to file his second amended petition. ECF No. 28. The motion was unopposed, and petitioner filed the pleading within the time requested. So, petitioner’s motions will be granted *nunc pro tunc*.


Respondents’ motion for extension of time is a request for an extension of 60 days to file their response to the second amended petition. ECF No. 33. Given the proffered reasons for the extension and the amount of time the court has extended the petitioner, the court will grant that motion as well. The court notes, however, that at least one of the claims in the second amended

1 petition appears to be unexhausted. Thus, counsel are encouraged to discuss whether stay and  
2 abeyance of these proceedings are appropriate while petitioner exhausts his state court remedies.

3 IT IS THEREFORE ORDERED that petitioner's motion for extension of time (ECF No.  
4 28) and motion for leave to file exhibit 86 under seal (ECF No. 31) are GRANTED *nunc pro*  
5 *tunc* as of their respective filing dates.

6 IT IS FURTHER ORDERED that respondents' motion for extension of time (ECF No.  
7 33) is GRANTED. Respondents have until January 17, 2023, to file their response to the second  
8 amended petition (ECF No. 29). In all other respects, the briefing schedule in the court's order  
9 of June 8, 2020, (ECF No. 10) remains in effect.

10 Dated: November 22, 2022

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12 U.S. District Judge Gloria M. Navarro  
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